

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID KING and RHONDA KING,
Husband and Wife,

Plaintiffs,

v.

KALAMA SCHOOL DISTRICT NO. 402,

Defendant.

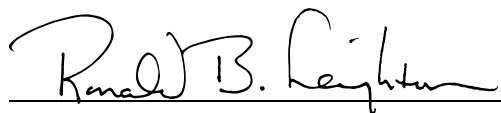
Case No.: 3:05-cv-05675-KLS

ORDER DENYING
PLAINTIFF'S MOTION
TO REMAND

This matter comes before the Court on Plaintiff's Motion to Remand [Dkt. #10]. 28 U.S.C. § 1331 grants the District Courts original jurisdiction in all civil actions arising under the Constitution, laws, or treaties of the United States. Furthermore, 28 U.S.C. § 1441(b) provides that cases in which the District Courts have original jurisdiction based upon a right arising under the Constitution shall be removable. Plaintiff's complaint alleges, among other matters, that the Defendants infringed upon his First Amendment rights guaranteed by 42 U.S.C. § 1983 - a federal question under 28 U.S.C. § 1331. *See* Defendant's Notice of Removal, p. 2 ¶ 4 [Dkt. #1]. Consequently, this Court has original federal question jurisdiction in this matter, and the case was appropriately removed from Cowlitz County Superior Court to federal court.

1 The Plaintiff's Motion to Remand is DENIED.

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3 DATED this 8th day of December, 2005.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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